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EXAMINER

COSIMANO, EDWARD R

ART UNIT PAPER NUMBER

3629

DATE MAILED: 12/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/904,471

Applicant(s)

DEWITT ET AL.

Examiner

Edward R. Cosimano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 19-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Applicant should note the changes to patent practice and procedure:

A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997; and

B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000.

2. The drawings are objected to because

A) the following errors have been noted in the drawings:

(1) The drawings are objected to as failing to comply with 37 CFR § 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

(a) reference number 105 as disclosed in the paragraph between page 36, line 6, and page 37, line 2, "From the labeler 95 ... conveyor 105 ... and applied label of the piece.";

2.1 A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2.2 Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

3. The disclosure is objected to because of the following informalities:

A) applicant must update:

(1) the application data in the paragraph:

(a) between page 29, line 13 and page 30, line 4, "Although the computer ... U.S. Application No. 09/816,687 ... application No. 09/816,687 ... reader 80 and labeler 95."; and

(b) between page 35, line 8, and page 40, line 4, "If the computer ... No. 09/816,687 ... piece cannot be determined.";

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with the current status of each of the referenced applications, e.g., --now abandoned--, or --now patent #?--, or --which is abandoned and now serial number #?--, etc.

B) as required by 37 CFR § 1.84(p(5)) and 37 CFR § 1.121(e) the specification lacks an explicit reference to the nature of:

(1) reference legend(s):

(a) 103 of fig. 1; and

(b) 28 & 58 of fig. 4, note the use of motor 58 in fig. 6, (page 19, 11—15, “A reversible motor 58 ... motor 58 ... motor 58 ... back to the feeding station 20.”;

In this regard, it is noted that merely mentioning a number with out mentioning the device or operation of the step relies on the drawing to provide support for the disclosure and not to aid in the understanding of the invention, as is the purpose of the drawings (37 CFR § 1.81(a,b)).

C) the following errors have been noted in the specification:

(1) as can be seen in figs. 1-4 & 9 and from the context of the paragraph at page 9, lines 8-17, “As mentioned above, conveyor 22 ... conveyor motor 27 ... conveyor motor 22. More ... feed sensor 24 described above.”, at line 8 of this paragraph “22” should be --27--.

(2) the description uses reference number 85 twice to designate both:

(a) a labeler, (see the paragraph at page 5, lines 4-12, “After being scanned ... labeler 85 ... sent to a reject bin.”; and

(b) a conveyor belt (see the paragraph at page 24, lines 5-12, “The reader 80 ... conveyor belt 85 ... mark can be minimized.”;

which is forbidden by 37 CFR § 1.84(p)(4).

(3) the specification lacks a statement of --We claim:--, (see MPEP 608.01(m)).

Appropriate correction is required.

4. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in

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correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5.1 Claims 1, 2, 6-8, 10, 11 & 13-18 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by either Connell et al (EP 0326228 or 5,005,124) or Sansone et al (5,008,827) or Metelits et al (5,119,306).

5.2 Claims 1-8 & 10-18 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Uno et al (5,535,127).

5.3 Claims 1, 2, 6-8, 10, 11 & 13-18 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Gil et al (6,477,514).

5.4 In regard to claims 1, 2, 6-8, 10, 11 & 13-18, either Connell et al ('228 or '124) or Sansone et al ('827) or Metelits et al ('306) or Uno et al ('127) or Gil et al ('514) disclose a mail processing system that includes the following elements:

A) a conveyor system for transporting the items of mail through the mail processing system,;

B) a scale for weight the item of mail as the mail is conveyed through the mail processing system;

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C) a scanner, for scanning the address information on the item of mail as the mail is conveyed through the mail processing system;

D) a labeler/printer, for applying information to the items of mail either:

(1) directly to the item of mail, or

(2) via a label applied to the item of mail,

as the mail is conveyed through the mail processing system;

E) a processor for determining the correct amount of postage for the item of mail based on the destination address and weight; and

F) a postage meter for applying the correct amount of postage to the item of mail as the mail is conveyed through the mail processing system.

Where, some of the mail is rejected and other items of mail are sent to the Postal system.

5.4.1 In regard to claims 3-5 & 12, the image scanner of Uno et al ('127) complete an image of the item of mail by combining a number of discrete line scans of the item of mail.

6. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

6.1 Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over either Connell et al (EP 0326228 or 5,005,124) or Sansone et al (5,008,827) or Metelits et al (5,119,306) or

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Uno et al (5,535,127) or Gil et al (6,477,514) as applied above to claims 1-8 & 10-18 and further in view of York et al (5,926,392).

6.1.1 In regard to claim 9, neither Connell et al ('228 nor '124) nor Sansone et al ('827) nor Metelits et al ('306) nor Uno et al ('127) nor Gil et al ('514) disclose re-orientating the item of mail during the processing, however, York et al ('392) discloses that in mail processing systems it is sometimes necessary to re-orientate item of mail so that the item of mail may be processed by the mail processing system. Hence, it would have been obvious to one of ordinary skill at the time the invention was made that the mail processing systems of either Connell et al ('228 or '124) or Sansone et al ('827) or Metelits et al ('306) or Uno et al ('127) or Gil et al ('514) could be modified to include the use of an re-orientation means so that the items of mail may be properly processed as taught by York et al ('392).

7. The examiner has cited prior art of interest, for example:

A) DeDiemar, which discloses the requirements of a well equipped mail processing system.

8. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

9.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

9.2 The fax phone number for OFFICIAL FAXES is (703) 305-7687.

9.3 The fax phone number for AFTER FINAL FAXES is (703) 308-3691.

12/15/02

  
Edward R. Cosimano

Primary Examiner A.U. 3629